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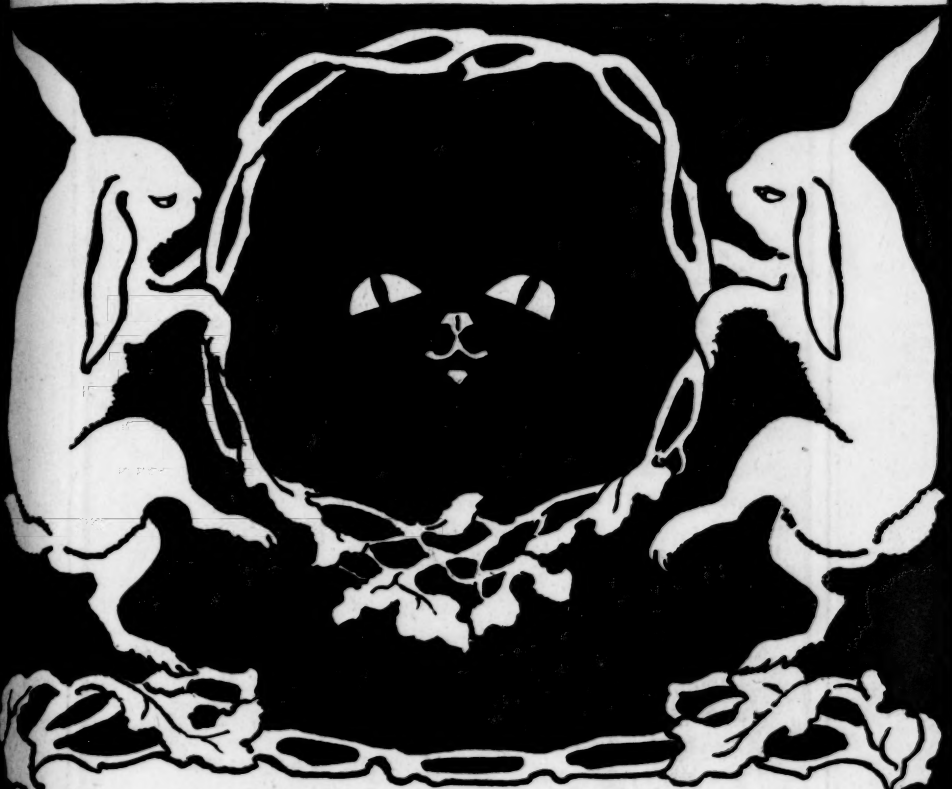

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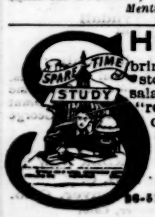

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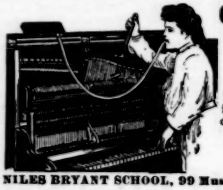

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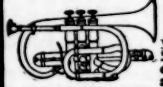

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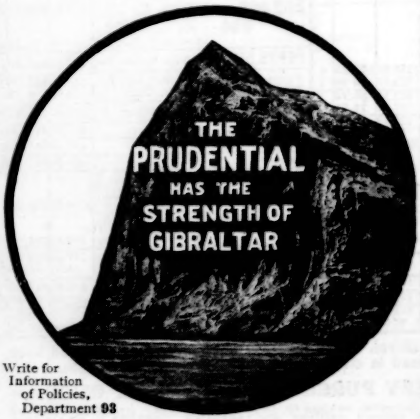

Write for Information of Policies, Department 93

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The Black Cat

A Monthly Magazine of Original Short Stories.

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When the Scales Settled.*

BY L. K. DEVENDORF.

FOR two hours the snow had beaten steadily on to my face. The warmth of my skin had melted it, and little streams of water had fallen on the heavy fur about my neck, and frozen there. I no longer guided the pony, but let her take her own course, as I could see but a few rods ahead of me. There was nothing but snow; and a few scattered bunches of timber were the only break against the cutting wind.

I had no idea of direction, having lost my bearings when we both fell, miles back on the trail. My legs were numb to the hips, and I only kept my fingers from freezing by occasionally taking off my gloves, and holding my fingers in my mouth. As night came on, it grew colder, and as we climbed higher up the side of the mountain it seemed to take hold of me more and more. I found the snow getting deeper and finer. The pony sometimes sank deep enough to cover my knees with snow. She would stop for breath, and then, with lowered head, plunge on again. I knew she could not hold out much longer. She would turn her head back toward me, and mutely seem to say, "How much longer?"

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The last time I dismounted, to give the poor "buckskin" a rest. I had barely strength enough left to climb back into the saddle. I knew better than to attempt this again.

I judged it must be about six o'clock, and I knew that night was not far off. I knew, too, that with the coming darkness, its increasing cold, and the pony's waning vitality I would have to spend what little remaining strength I had in efforts to keep warm. Then there was the sleep that was already creeping over me. This would be a fight in itself.

A fire was out of the question. Anything that would burn was buried deep beneath the snow. My small "grub-pack" was lost when the pony and I rolled off the bank. I had not missed it, until we had gone, as near as I could guess, three miles.

At a time like this a man thinks of the foolishness of it all. When I thought of my errand — and the paltry few hundred which was to be the reward if I succeeded and the reward if I failed — I drew my head deeper into the icy collar, and swore. Then I thought of the Company that sent me — their selfishness, and my own selfishness, too. It was about an even thing. They thought only of capturing a man who had had the boldness to "stand up" three messengers in an express car, and make them open a safe and deliver to him — well they never told just how much. It must have been a good, tidy sum, or they would not have insisted that the man could be found and brought in, before the winter broke up.

An express robbery in the winter was a new thing in Wyoming. A chase for the man was as big a novelty. The Company was banking on the fact that a posse starting out in the winter would attract attention. It could be seen a long time before they could get to the game. One man could do much better. He could keep under cover, and if he couldn't get the fugitive he could at least locate his man.

Two days after the job had been done, I took up the trail where the man had left the express car, or about the place, for no trail remained. The falling snow had completely covered all the "signs". I was now in the evening of the second day of the hunt. Up to this time I had thought of nothing else except getting the man. I had some professional reputation, and this, I felt, was

at stake. I might add that a few hundred dollars had been something of an incentive. But as I rode on and on, the pony stumbling, the cold biting, the wind, loaded with a thousand particles of blinding snow, stinging me, with no food, and with night scarcely half an hour off, I began to realize my position. I fumbled about in the pockets of my fur coat for a pipe and tobacco. I tried to fill the pipe, but my fingers were too cold. The wind blew the tobacco in my eyes, and I realized that my job was not entirely the pursuit of the man, but that I had small chance of getting out myself.

Once more the pony stumbled and went down upon her knees, and I pitched over her head into the snow. When I tried to climb back into the saddle she pulled off to one side. I followed her, she jerked her head, and the reins slipped out of my hands. The "buckskin" started on ahead of me through the snow. I plunged on after her, falling now and then, stumbling, half-blinded, and cursing those I had been foolish enough to listen to. I finally managed to overtake the mare, and get a good hold of the saddle girth. I saw that she had lost her bridle.

The cold was fierce. It stung the inside of my nose every breath I took. I knew that motion, constant motion, was the only hope I had. The pony would lift her frost-covered nostrils, shake her yellow head, and snort to relieve the stinging sensation I knew she felt. Many times she stopped, but I urged her on and swore at her. She didn't seem to wander, but apparently kept on in a line as near as I could tell. It was now quite dark, but it was something of a relief from the glare of the snow. I thought of the time when the pony would stop and refuse to go on. I knew I could not last much longer than she, and then what was left? I was growing drowsy — I knew what that meant.

I heard nothing but a pounding in my ears. I was conscious of the motion of the mare, and that was about all. Many times I fell, but my wrist was firmly caught between the pony's side and the saddle girth. When I fell, she would stop, wait until I had struggled to my feet, and then go on. I mumbled no longer at her, but kept to her side, and she half dragged me, waiting, stopping, and then going on, as I recovered my balance. Thus I hung to her for what seemed hours. When I moved my bones ached,

and it was a relief from the pain to stay for a moment where I fell. My face felt like hardened putty, and I knew that I was getting to the end of my rope. There was no feeling in my hand or arm that stuck beneath the saddle girth. My head seemed about ready to burst, and I saw nothing that I could distinguish, except countless specks of light which whirled about before my eyes. Something pulled heavily at my feet and I could not drag them. I was partially sensible of the pony's stopping again. I waited for her to move but she did not start. I felt my legs give way under me, and then the sensation of falling — would I never stop falling? I remember now, as I am telling this, how very light my body felt. I seemed to be floating in the air, when suddenly something hard hit the back of my head, then there was a flash of light. I vaguely remember a man's voice, but it seemed far away; then all was dark.

When I opened my eyes again I was looking into a fire of logs. My head was splitting with pain, and I tried to raise my hand, but I was tightly wrapped in blankets. My eyes wandered around to the edge of the fireplace. There sat a man staring at me; his head bent, and his hands folded between his knees. I tried to speak, but found that I could scarcely whisper. When he saw that I had my eyes open and looking at him, he came over toward me, knelt down and pulled the blankets away from my face, and turned my head toward the fire. Looking into my eyes he muttered something like:

"I guess you're coming all right, old man."

He poured something into a cup, raised my head, and I drank. I tried to speak again but was too sleepy.

When I awoke, the sun was shining in my face, and the man was still sitting where I first saw him. I moved slightly, and I found I was not so sore. My head was easier, and I looked around the room. I tried to remember where I had left off, and where I was now. The room was very poorly furnished; just the bare necessities, and scarcely those. Two saddles were piled in a corner. A small sheet-iron stove, the large fireplace, a table, some cooking utensils, and a small cupboard completed the inventory. Two guns stood in a corner, one of which I recognized as my own. Several blankets lay around me on the floor.

Turning my eyes once more toward the man, I saw that he was asleep. His chin was upon his breast, and he breathed heavily, like a man in a tired sleep. His height must have been fully six feet two or three. He had the shoulders and chest of an athlete, thick, yellow hair, and a heavy mustache of the same color. A blanket had been wrapped about him, but it had fallen down around his waist. As I watched him in his sleep, it slowly dawned upon me that I either knew him or had at least seen him before. Where or when I could not think. I moved about in the blankets, and the man awoke. He looked at me a moment with eyes as big and as blue as a woman's, and then said:

"Well, pardner, how are you coming on?"

"Good!" I whispered, and started a volley of questions at him.

"Now, hold on, my boy," he said, raising his hand. "You will have plenty of time to talk. I will do most of it, for a while at least; you have done enough talking in the last three days to last you for some time." I had been there three days then. "How would you like a little hot soup?" he asked, and not waiting for my reply, brought me a tin cup of steaming soup that tasted better than anything I had ever had in my life.

The big blue eyes fascinated me and I watched him as he moved about the room. Stopping now and then he would stare at me, and then come over to my side and look closely into my face. His eyebrows would contract and then he would shake his head. Many times during the day he repeated this. Thus the day passed — I sleeping, from time to time, and he feeding me the soup. Several times he gave me a small drink of whisky, and as I felt its warmth through my body, I tried to talk, but it was not until sundown that he allowed me to say anything, except in reply to his short questions.

When the room grew dark, he piled the logs on the fire, drew up a box by my side, sat down upon it, lighted his pipe and said: "I suppose you would like to know where you are, and who is entertaining you?" Without noticing my attempt to answer him he continued:

"Three nights ago you stumbled against my door, and I took you in. I wouldn't have given much for your chance then, but you are on the mend now, and coming all right. I don't know as I

should have all the credit for it. You ought to be pretty good to that buckskin mare the rest of her days. She knew of the only shack on the mountain, too. It might surprise you to know that I owned her once, and that she has made the same trip many times. You don't want to forget that pony, and the man — well it's only human to forget the man. You came up into these mountains for something, and you made a hard fight to get what you came after. We'll suppose, for the want of a better reason, you came after a man. A man you never saw — a man you never knew. A man who was no more to you than one of those logs in the fire. But some folks wanted that man and they were willing to pay a price for him. They made it an object for you to try to follow him through the snow. He looked like big game to you, and they talked you into the belief that you could get him. They used your pride as a means to get you to consent. We will say you found him — say you found him in the snow. Though he was freezing, he fought against going back with you — you were strong and warm, and had the advantage of him — and perhaps you might have to shoot him before it was all over. Would you do it? Would you do it because you were strong and he was weak — and the law was on your side — to say nothing of the several hundred 'hung up' for his capture, or proof of his being 'put away'? Would you do it, I say?"

The brows contracted until they seemed white against his tanned face. He leaned toward me, and the blue eyes lost their softness as they stared into mine. Outside the wind was blowing a gale. I could hear the timber sway and crack, and I thought of the night I spent in getting to the shack. This man took me in, and saved what little life there was left in me. He was the man that I was trying to run to cover, for, long before he had finished, I knew who was talking to me.

For the first time I heard the sound of horses' feet stamping on soft beds of leaves or earth. The sound came through the partition of the shack. The man in the meantime had arisen from his seat, and without waiting for my reply, walked out through a door I had not noticed before. I could hear him talking to the horses. When he came back he resumed. I tried to interrupt him, but he would not listen.

"Suppose, on the other hand," he said, looking squarely into my eyes — and there seemed to be no change of tone in his voice. It was always that same soft voice — the voice of earnestness and conviction, though so penetrating and low that it seemed to be a part of the storm. "Suppose *you* were the game this man was after, and you found him — well, found him with but a spark of life in him — and you knew him — knew he was after you. Suppose you came across him when he was helpless. Would you fan the spark into life again, or would you stamp it out? Suppose you found him as I found you, three nights ago. What would you do? Don't answer yet. I am not ready for the answer. What would you do, knowing that, when he was well again, it was only to be a fight for his life — or your own? Would you let him 'snuff out' — let nature finish what she had started? Would you think that Fate was playing into your hands, when the means of removing an obstacle to your freedom only consisted in shutting the door? Though you might be as guilty as Hell, would you take the chance that I took?"

Far into the night he talked. Many times I started to answer him, but he always stopped me. He talked to me of his past — his school days, then college, then the bank. Fast company, gambling, small borrowings from the bank, always expecting to return them, — with the natural result. His leaving the East, knocking about in mining camps, "cow punching," "cattle rustling." It was the same old story — the story of many a man in the West to-day. At last he found every man's hand turned against him. Here was his refuge — this shack in the timber — far away from those who had put a price upon him.

At last he came to the point:

"A week from to-day," he said, "You will be ready to travel. You are about seventy miles from Cheyenne. The buckskin mare is in the stable. At sunrise on that day, you will find her saddled in front of the shack. You will also find your gun with her. If, on that day, you still want me to go with you to Cheyenne, you will find me under those two pine trees which stand to the left of the trail, as it bears to the right around the little bare knoll. There we'll settle it — man to man. If you want to go alone, turn

to the right, and keep on down the creek bottom, and I will show you the trail out."

He arose from the chair, walked over toward the fireplace, and lighted his pipe. He turned to me, puffing the clouds of smoke away from him, and said: "We will not speak of this again. That day you can give me your answer."

I stayed in my blankets two days. On the third I felt that I could move around, and told him so. With his help, I stood up and walked about the room. My legs were unsteady and sore, but I felt better.

I noticed now that the two guns which all of this time had been standing in the corner were gone. I also noticed that the man wore a "Colt's" at his hip; I could guess the reason for this.

The days rolled on and I gained strength fast. We spent the time talking and playing cards. We took turns cooking and caring for the horses. The buckskin looked but little the worse for her hard trip. His horse was a fine-built animal, large, and well proportioned.

When I got so that I could go out into the air, I had a chance to look about. The shack was built of logs, and almost completely hidden by the timber. Built against the east end was a lower part, the stable. A man could pass within a hundred feet of the shack and miss it altogether.

It was a carefully planned place, and looked as if it might have been built several years. There were only three windows. At each there were heavy plank shutters. These were on the inside, and he closed them every night. He dropped a heavy piece of timber in a pair of crotches that were nailed on each side of the opening. As I looked the place over I became convinced of its solidity. Here a man or two could put up a good fight against big odds. I saw the adaptability of the place from the man's standpoint. Every day I put on my heavy coat and walked about among the trees. I was gaining strength fast. In all of my little wanderings I was never out of the man's sight. He either walked about with me or led one of the horses where I could be plainly seen. I knew of what he was thinking, and never gave him any chance to suspect that I had any intention of leaving before the time he had set.

One night we were seated before the fireplace when a timber wolf barked. The man arose, walked toward the door, and listened. We had heard them many times before, but this one seemed nearer. Again the bark, this time still nearer the shack. The man went over to the fireplace, picked up a burning splinter, went to a window, pulled back the shutter and waited. The wolf barked again, and the man flashed a glowing stick in front of the window for a second, and then closed it. He turned to me and said:

"I will have to ask you to get into your blankets, turn your face to the wall, and wait until I ask you to turn around again."

I did as he asked.

I heard him open the door, and a man walked in. The stranger started to speak, when the man spoke to him in a low tone. From his speech, I judged him to be either a half-breed or an Indian.

The man took off his coat, removed a pair of snowshoes and walked up to the fire. When he had warmed himself they walked to the farther side of the room and began to talk. The stranger's voice would rise above a whisper and the man would silence him. Twice he walked nearly to my side and I knew he was looking me over. I did not move. They continued to talk, but the stranger was becoming more excited. I could occasionally catch a word of their conversation. From what I heard, I knew they were discussing me.

"Curly, you damn fool," I heard the stranger say.

"Yes, I've been all of that for years" he replied.

"Mebbe he no so sick he seems. Mebbe some day he stick gun in your face and say, 'Curly; you come Chy'an'."

"Well, that may be so, Joe, but I won't have any one to blame but myself," answered the man.

"I tell you, Curly, you make big meestake. I can fix him if you 'fraid to do it, Curly."

The stranger moved nearer to my side. I knew his intention. I knew my weakened condition, and how little chance I stood, but I had faith in the man and I waited.

"Joe, keep off" he said. He no longer spoke in a low tone, but loud enough for me to hear.

"I've made up my mind about this thing, and it's going to be done as I say. It may not be as you would do it, but it's going to

be done just the same. Put that up and be quick about it or I'll have to take it away from you. You're too excited. If you want to mix it up with him when I get through with him, you will probably be given the chance. No doubt he could find some reason for wanting you to go to Cheyenne. Come on, put it up now."

I heard them shuffling about and they moved over toward the door. The Indian put on his coat in silence and then fastened on his snowshoes. The door opened.

"Good night, Joe" I heard the man say.

"Good night, Curly" and then with a parting "Curly, you're a damn fool" the door closed and the stranger was gone.

"Curly" came back and sat down by the fire.

"You can turn around now," he said.

He sat for some time looking into the blaze. I did not say anything, but waited. He turned to me after a few minutes silence and said:

"An Indian is an uncompromising cuss. Sometimes they reason, but it is not by intent, it is only involuntarily. Once they get a notion in their head, it's hard to change it. Joe is all right, but he's notional. It's pretty cold outside these days and you had better stick fairly close to the shack. Joe hunts around these parts occasionally, and when he gets his eye on his game he generally gets it. Do you understand?" he asked. I replied that I did.

The few remaining days slipped by. Joe was not seen again.

The morning came at last on which I was to give my answer. We were both up and stirring at daylight.

The sun came up and the day dawned cold and clear. We ate our breakfast in silence. When we finished he walked out into the stable. I picked up what few things I had. I could hear him in the stable talking to the horses. After a time he came back.

"Wheeler," he said, "You know what's coming off to-day. I mean to keep my word with you. There's no use denying I've had a few days, the last few, that have been pleasant to me. There were things on my mind that I had to speak of. You seemed to be the man who had to listen to them. I don't know your intentions. I don't know how you feel towards me. I don't ask your sympathy. This is a serious matter for us both. I

don't ask for any quarter, and as for you — well, you can't expect any. I am not going back to Cheyenne with you — alive. I've known for a long time that it was up to me to die with my boots on. This may be the time, but I don't regret it any, for I've been expecting it. A man in my business takes these chances. I tell you frankly, Wheeler, I am going to shoot to kill. Ten minutes after I leave, you take the "buckskin" and hit the trail down the mountain. You'll find me close to the two pines. You know the rest.

"The first move you make to come towards the pines after you get to where the trail turns to go down the creek bottom, I will begin shooting. We stand towards each other, now, as we did before the night I took you in. Do you understand?"

"Yes, I understand, Curly," but before we start there are a few things I have to say to you. We will disregard the finish of this matter long enough for me to say that what you have done for me is enough in itself to make any man sick of his job. To make him feel so small, so much of a cur, that — "

"Nonsense, Wheeler," he interrupted. "You're talking like a coward. If that's all you have to say, I'm going to start. You'll find everything on the pony that you brought up here. Start in ten minutes."

He left me standing by the window and went into the stable. In a moment I heard the horses breaking through the crust. They stopped before the door and then he went on. I knew he had left the "buckskin." When I went out, I found her as I expected. My Winchester was in its sheepskin case. I took it out and by its weight I knew the magazine was full. My mind was made up. I climbed on the pony's back, turned in my saddle and took one good look at the shack, and started on down the trail. The pony sniffed the air and we followed the tracks in the crust.

When I came out of the timber, I saw the two pines. To the right of them lay the unbroken trail down through the creek bottom.

Beneath the trees stood Curly. His bearskin overcoat lay before him on the snow. His right hand was bare and clasped above the lever of his Winchester. His left held the barrel half way down its length. When we came nearer his horse whinnied

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Beneath the trees stood Curly. His bearskin overcoat lay before him on the snow. His right hand was bare and clasped above the lever of his Winchester. His left held the barrel half way down its length. When we came nearer his horse whinnied

and the "buckskin" pricked up her ears and quickened into a little trot. She headed straight toward the pines. The man raised the muzzle of his gun a trifle, and I realized he was a "hip shooter" — a trick common among the cattle men of the southwest. My gun was still across the horn of my saddle. I pulled the mare sharply to the right and "bolted" her just at the turn of the trail.

He stood there like some great animal ready to spring. Outlined against the glistening white background of snow, was the game for which I had risked my life. He was scarcely two hundred feet away. Near enough for me to see that peculiar whitening of his eyebrows as they contracted over his blue eyes.

Alert, ready, waiting for a move from me that would indicate my intention, stood the man whom I was to get. So utterly unmindful of the result of the meeting, so unconcerned as to which one failed, that he still had his left arm through the bridle rein.

"Curly," I called, "I am going to Cheyenne — alone. Show me the way."

The House That Jill Built.*

BY DON MARK LEMON.

IT came gyrating around the corner on its rim, carried along by a dusty gust of April wind, and as it swerved by me, seemingly with the instinct of a live thing seeking to get out of my way, I made a grab for the little old derby and succeeded in gaining a squashed hold upon it. As I was knocking some of the dust from the crown its owner came around the corner, whipt along by a second dusty gust of weather, and espying the hat safe in my hands he hurried forward with an expression compounded of vexation and relief.

"Ah!" he cried, coming to a dramatic pause before me:

> 'The man that will not chase another's hat
> Is fit for treasons, stratagems and spoils,
> And his affections dark as Erebus:
> Let no such man be trusted.'"

Giving the derby a final brush around its rim, I was about to return it to its ingenuous owner when a large placard pasted inside the crown caught my eye and, before I was aware of the fact, I had read the following singular sentence:

"Thou shalt not take unto thee for a wife a woman who invents things."

I looked up in astonishment and, catching the little man's eye fastened upon me, murmured an apology.

"Don't mention it, sir. It's big print and you could scarcely help noticing it. Yes, my friend, grapple this advice to heart: Beware of the woman who invents things." He received his hat, placed it on his head, and then fell into step beside me. "Does your wife invent things?" he asked.

"I am not married," I explained.

He gave me a look of incredulous wonder, that ran into envy. "That's so, all men aren't married," he reflected. Then he

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looked up and added, "Ah, well, you're young yet, and many things can happen to you before you die."

"Yes," I nodded, at a loss just how to take my new-found companion.

"Have you ever heard of Kant?" he asked.

"The great German philosopher?"

"Yes. Well, I believe he takes as the starting point of his immortal philosophy the dictum, *I am.* Now, I add a third word, and start off with, *I am married,* and necessarily I arrive at a quite different philosophy of things."

"Ah," I smiled.

"Quite different! But I will not bother you with any dissertation on things as they seem: I wish merely to advise you never to marry a woman who invents things."

"You have married such a lady — unfortunately?" I sympathized.

"Three."

I stared incredulously, then severely.

"Don't mistake me!" he exclaimed: "I am not a bigamist. My first wife was scalded to death by an ingenious water-heater which she had all but perfected. My second wife was asphyxiated by her wonderful automatic gas hair-curler. My present wife —" he did not finish his sentence but removing his hat, gazed at the placard pasted in the crown, and then, taking out his handkerchief, dusted the derby thoughtfully.

It was the noon hour, and as we were opposite a café I invited him in to lunch.

"You seem not to have taken your own advice," I remarked over the oysters.

"No, not yet. But if circumstances are such that I shall ever again marry, I assure you I shall act with cumulative wisdom."

"For the lady's sake, let us hope that nothing unpleasant will happen," I said.

He shook his head as he dipped an oyster into his sauce. "I do not wish to see any harm befall her, but I fear if she continues to live in the house that Jill built something unhappy will come of it."

"The house that Jill built?"

He gave me the look of a child that thinks everyone must know what it is talking about.

"Yes, the house that Jill built."

"And Jill?"

"Why, she's my wife! She built the house herself. That is, she invented it and had it built after her own designs. She certainly is a genius," he added, with a faint glow of pride.

"A woman invent a whole dwelling house!" I exclaimed. "I'd like to see it."

"Yes, Jill invented it all herself, and it's got Patent Applied For stamped over the entrance. She is somewhere in the city now, starting a company. I saw her on the street, but she was too busy to stop. Then my hat blew off and I had to follow."

There was a naïveté about the man that disarmed contempt, and when he invited me to come out some evening and see the house that Jill had built I gladly accepted his invitation.

I took a Saturday evening for my purpose and found the address after a single inquiry of a suburban urchin, who volunteered the information that Mr. Patent Applied For lived at the address, as that was the "name" over the door. The house stood apart at the end of the street, and while of only a story-and-a-half, it was substantially built and architecturally pleasing.

I found my late acquaintance at home, and he greeted me in an enthusiastic yet subdued manner. "Hush!" he whispered. "Jill is in her room thinking, and we mustn't be noisy!" He spoke as if we were boys, or rather as if his wife were a dynamite cap that would burst with the slightest jar. "See," he said, directing my eyes every way at once by a sweeping motion of his hands, "'tis a very pretty interior, and one could hardly believe that such an artistic place is fire-proof, flood-proof, earthquake-proof, lightning-proof, and" — he sunk his voice to a back-stair whisper — tax-proof!"

"Tax-proof!" I exclaimed. "You don't say?"

"I do! That is, Jill says so, and while she hasn't explained to me just how it is tax-proof, she has promised to do so, and when she does I'll show you."

It was indeed a rather pretty interior for a house so protected against the violences of nature, and my host remained silent while

I admired the tasteful entry-way. Finally, he could contain himself no longer, and exclaimed: "You must see all over the house. It's small, but it's a model of comfort, convenience and security! That is," he added hastily, "see everywhere but in Jill's room. I never was in there!"

My interest and curiosity were now thoroughly aroused and I followed the little man about, delighted with his delight, which seemed no longer dashed by any regret at having an inventive genius for a wife, and satisfied in my own mind that "Jill" had ability of no common order.

I found the house to be protected from lightning by a number of highly improved telescopic rods; built with a water-tight double flooring; arteried with pipes that in case of fire would automatically fill the building with a fire-extinguishing gas; and the whole remarkable structure set upon powerful sleeping-car springs that would distribute and make harmless the violent shock of an earthquake or an explosion.

"You should hear Jill talk!" the man exclaimed. "She'd tell you how folks sit in patented chairs at patented tables and read patent journals by patented lights, yet are so unenlightened as to live in any kind of a house, while, if there is one thing in the world important enough to be brought to a state of patentable perfection, it is the home. Why, after hearing her talk on the subject for just five minutes, a friend of mine said that he felt like a primordial man living in a cave."

"You should be proud of your wife," I assured him; "and instead of fearing that something serious will result from her inventions, rather feel yourself doubly secure while sheltered behind the bright shield of her practical genius."

"It's the tax-proof-cyclone-proof arrangement that worries me," he explained. "She won't show me how it is worked, and I've pressed every button I can find and got myself in a world of trouble, but I can't come across that tax-cyclone button. I wonder what would happen if I should discover it and press it," he mused.

"You might prefer to pay taxes," I laughed.

He shook his head in a kind of good-naturedly ill-nature and I saw his eyes roam around as in search of some secret button. As we passed the third door on the left of the hallway, he paused

and whispered, "That is it! That is Jill's room! She's in there thinking now, and she never comes out till some bright idea comes out with her." He stooped and applied his eye to the key-hole, then suddenly straightened up. "Why, she's gone out! I say, let's hunt together for that cyclone-tax button."

I waved aside the astonishing proposition. "You go first," I laughed, "and I won't follow. Your wife's business may be yours, but it's no part mine."

"You're right," he assented. "Something unpleasant might happen and then I'd be sorry for having got you into trouble. Come, I'll show you the Patent Applied For over the door, and I guess you'll just have time to get the next car back to the city."

As I walked down the road in the dusk meditating on the House that Jill built and its strange inmates, I suddenly began to doubt the reality of Jill. Perhaps the little man was himself the inventor of the patented house and had fabricated "Jill" as an advertising scheme, or else as a kind of silent partner on whom he might shift any unpleasant responsibilities. Or, perhaps, too close application to his invention had unbalanced him and given rise to this queer hallucination.

Yet the man was as guileless as a boy of ten, with none of the cunning of insanity, and, wondering if the patented house might not prove a pretty big thing after all, I paused and looked back, a little vain of my experience.

Had I found myself suddenly on the other side of the earth I could not have been more astonished. *The House that Jill built was gone!*

A moment later I was running breathlessly back down the road. Once I came to a standstill and hesitated mentally. Had there been any such place as the house that Jill built? Might I not have merely imagined it? Which of our experiences is so vivid as not under certain conditions to seem a dream — a fantastic shadow thrown upon some inner consciousness? But my feet seemed to scorn the wild doubt in my brain and resumed their race down the road.

Bringing up directly before the plot of ground where the house that Jill built had been standing only a few moments before, I found merely a stretch of uncared-for lawn.

I stared before me in deepening wonder, then wheeled about, morbidly fearful lest the house, like some unpleasant dead thing, was hiding at my back. But the house that Jill built was indeed gone! A kind of painful humor seized me and I laughed queerly. "He's pressed the tax-button, I guess!"

Suddenly I was conscious of voices. They seemed to come from nowhere, indistinct at first, but as I listened attentively they soon resolved into the sound of a dispute.

"You did!" "I did not!" "You did! How dare you dispute Me!"

"But, my love, I did not! I was under the table when I butted my head against the button."

"What were you doing under the table?"

"My love, it would not avail me to lie, and though it would I could not do so gracefully in your presence. I was hunting for the tax-cyclone button."

"You found it!"

"Yes, my love!" There was a note of humiliated triumph in the familiar voice. "But had I known you were in the house, I would not have entered your room unbidden."

"Stand aside!"

I had but a moment longer to wonder from whence the voices came, then my brain seemed to reel as the center of the lawn before me stirred and out of the earth, lighted by a score of incandescent lights and with all its shades open, arose the House that Jill built.

Stealing around to the side of the structure I saw my late host standing humbly in the presence of a magnificent red-haired woman, fully six feet in stature.

"The next time, sir, that you let this house into the cyclone cellar, I shall shut you in with it till I plant another lawn on the roof. Be warned in time!"

With a fixed mental picture of the dramatic scene, and no longer doubting the reality of "Jill," I turned and strode away.

Why Pay-day Was Late.*

BY IRVING WILLIAMS.

"I WAS a fool to try it," the man muttered as he dragged himself to his feet, glanced over his dripping clothes, and then grimly at the whirling torrent from which he had escaped.

Suddenly, with nervous fingers, he fumbled about his waist. An expression of relief followed the inspection, and he began to walk rapidly down the stream, keeping as close as possible to the banks which confined the yellow turmoil, and pushing his way through the brush and undergrowth with a sturdy disregard for scratches.

At brief intervals he stepped down to the water's edge and peered out into the tumbling flood. His solicitude, it could be seen, was for a small brown object that bobbed bravely along in the water, constantly approaching. As the man stopped to look he would whistle cheerily, a call evidently intelligible to the brown object, which would then bob higher above the water and make better progress.

At a sharp bend in the stream a large stretch of quiet water circled slowly just inside the swift current which hugged the farther bank. Into this quieter body of water the brown object was fortunate enough to struggle, and then good headway was made towards the shore. The man stationed himself at the spot where the landing would be made, and soon his companion in peril, a strong bay mare, splashed wearily ashore and joined her master with a little "whicker" of recognition and sympathy.

Wet and mud-stained, the pair made their way through the undergrowth until they reached more open ground, when the man vaulted into the saddle and a brisk canter brought them to the road by which they had been travelling until they reached the flood-swollen creek and their overthrow.

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Accepting the impracticability of continuing his journey, the man turned his horse's head on the back track. The road was a lonely mud trail through unfenced woods, such as is common to lumber regions in the South. No tracks showed on its rain-washed surface but those of his own horse, made a short time before on the journey out.

Although darkness closed in rapidly the horse jogged along with the surety of a thorough knowledge of the way. The man sat easily in the saddle. Miles had passed without change in the nature of the surroundings nor a word of command to the horse when, without warning, the animal gave a fierce snort of fright and sprang far to the side of the road. The man, almost unseated, recovered his balance immediately and without further ado threw himself flat against the horse's neck and dug in the spurs. At a bound the steed regained the road and took the course at full speed.

Two riders emerged from the forest into the road. Each carried a rifle and as they came into the half-light of the path's clearing one threw his piece to his shoulder, aiming at the fast disappearing rider.

"Don't shoot, you fool!" growled the other. "It may be someone else."

"What's the difference?" snapped the man, with his cheek to the gunstock, but he lowered the weapon as he spoke.

After a brief conference they turned their horses to follow the single rider at a leisurely pace.

At a late hour a hatless and bedraggled horseman guided a winded mount as quietly as possible through the muddy streets of a straggling Arkansas railroad village. There was caution in his every movement. When he reached a certain stable door he opened it slowly to keep the hinges from complaining. When he emerged a few moments later, having cared for his horse, he was as regardful of the hinges. He tiptoed as noiselessly as heavy, water-soaked boots would permit, across the back porch of the house that occupied the same lot with the barn. With the same caution he unlocked the door and let himself into the house. He passed through the rooms, peering about intently, seemingly to make sure that he was the only person under that roof.

Completing his careful inspection, he set his lamp on a little cupboard washstand in the only bedroom the house afforded and began to prepare for bed.

"I'd give a pretty penny to know for-sure what it was Dolly shied at. Must have been a hog," he soliloquized. "If it had been any of the Reed gang they'd 'a' sure shot."

But he did not seem quite able to convince himself, for he kept returning to his explanation. "Couldn't have been anything but a hog," he told the reflection in the little mirror over the washstand. "If it had been any of the Reed gang they'd 'a' known it was me, turned back by the flood, and they'd 'a' sure shot.

"Just so nobody knows I was driven back I'm safe enough here for the night, but I'd hate to be caught in this corner without a gun." He put his hand mechanically to his hip pocket as he had done a hundred times since his escape from the stream; but the "gun" was gone beyond all chance of doubt.

His preparations for bed were brief, consisting of throwing off his coat and pulling off his boots, socks and trousers. Setting the lamp, with flame turned low, so that the light would not show on the window curtains, he turned in without removing his underclothing, though it was still wet. Before retiring, however, he again fumbled about his waist with the same nervous anxiety he had exhibited on the brink of the flood and readjusted some bulky object that showed its outline under his shirt, completely encircling his body.

He had slept for some time when, his senses alert to every suspicious sound, he was wide awake and listening.

Unmistakably the creak of cautious footsteps could be heard in the room below. He listened, tense and staring. His caller made slow progress. Certain progress, though, it was, and towards the stairway leading to the hall into which his room opened. Following any unusually insistent complaint on the part of the flooring, all sound would cease for a minute or more. Then, reassured, it would begin again.

The man, half sitting in the bed, stared wildly before him, but without seeing. His whole sense was hearing. Perspiration stood beaded on his face and hands. He was filled with fear natural to the defenceless and cornered quarry.

But waiting was not to be tolerated by a man of his disposition to action. He cautiously crawled from the bed and stood looking about the dimly lighted room, selecting the most promising weapon of defence. There was not much to choose from — a light, cane-seated chair, a water pitcher and wash bowl, the wash-stand and his boots, besides the lamp. These appeared to be all that was available — not very effective against firearms.

Wait! Besides these there was one more object, but so insignificant — a small bottle of red ink. This last, however, caught his eye and, with almost a trace of amusement in expression, he quickly pulled a fat money belt from about his waist beneath his shirt, rumpled up the bed clothing and thrust the belt under the mattress.

He next made his way carefully and quietly to the stand and secured the ink bottle, on the way noiselessly turning the chair on its side and pulling the curtain back as he passed the window, exposing the half-open sash. A broken pane of glass luckily added to the general appearance of disarray he plainly desired to produce. After placing the wash bowl upturned on the floor, taking the pitcher from the stand, disarranging the towel that had been spread neatly across it, he took one further satisfied glance about the room.

Carefully then he stretched himself in the middle of the floor, opened the bottle of ink and poured some of its crimson contents on his breast and throat and across his forehead just below the hair. The rest he poured on the floor near his head and neck and then tucked the bottle under his shirt where it would not be seen. He rumpled his underclothing to make it appear to have been pulled aside by the tearing away of the money belt, and finally lay with head thrown back and eyes fixed on the ceiling, and waited. It was a bold bit of acting. Would it work?

He did not have long to wait, for, although he had made his preparations as rapidly as possible, consistent with silence, he had hardly completed the tableau setting before he heard muffled whispers at the door. There was, then, more than one caller. They were deciding on the mode of entrance. The door was a light one, offering but slight obstruction to a strong man. Though aware of this they apparently hesitated before taking so noisy a

method. Carefully the knob was turned, but only to confirm what they must have expected — that the door was locked.

Another interval of silence and then, yielding to a quick pressure from a broad shoulder, the lock snapped with a sharp report and a man sprang into the room holding a revolver. He did not stop until his feet almost touched the prostrate body on the floor. In the dim light he made it out and shrank back to the door with an oath.

"What is it, Al?" came in a whisper from the dark of the hall.

"Someone has been here before us," was the answer, as another man joined him in the doorway. For a moment the two stood staring in disappointed rage at the red-splotched object on the floor. They took in the signs of struggle and the open window through which a murderer and robber might have entered and made his escape.

"Ain't that hell?" and the other assented that it was.

"We've got no business hanging around here, and the quicker we cut out the better. The other fellow got the ten thousand, but we stand a good chance to get the rope."

This was sound reasoning, and a few moments later the callers were riding away more hurriedly than they had come.

And that is how pay-day with Landers' Milling Company happened to be one day late in the month of March, 1903.

The Evolution of the Tulip.*

BY B. R. CARLISLE.

ALTHOUGH the sun had still an hour's work to do in Haarlem before its nightly retirement, the evening meal had been some time completed in the Van Puffenblow household. That would be expected by all who knew Mynheer Van Puffenblow, for within his family circle the traditional early bird was revered as solemnly as was the sacred cat with the Egyptian. Being as phlegmatic as his Holland birth and breeding required, the tragic joke on the early worm had never appealed to him. Therefore it was not surprising that every room in his substantial residence was adorned by a Dutch rendition of "Early to bed and early to rise, etc.," which, under his instruction, had been laboriously wrought by the slow but industrious fingers of his only daughter.

Now, under the tranquilizing spell of his recently enjoyed repast, Mynheer was placidly occupied with his after-dinner nicotine rites, gazing in the meantime fixedly into space. Gretel, the flaxen-haired daughter of the house, sat close by the open window, casting frequent although furtive glances into the spy outside. Despite the steady click of her needles and her accustomed serenity of mien, all was tumult beneath her silken bodice. For Gretel an eventful hour was rapidly approaching — that hour which transcends all others in the life of the sentimental maiden — the hour of betrothal.

Ever since his first glimpse of Gretel's bright blue stockings trotting up the street, Wouter Van Zandt had been her openly avowed admirer. And it would seem that no condition could be happier. Wouter was a sturdy youth,—the possessor of a physique whose proportions gave promise of rivaling in time even

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the bulky Van Puffenblow himself. Solidity seemed also the definition for his other charms, and mentally his endowments were correspondingly weighty. His infatuation for the Van Puffenblow heiress took the form of a mild persistence rather than passionate enthusiasm. For, in common with many of his townsmen, he had but one enthusiasm — and that was the tulip.

Bulbously, Wouter was a great success. Under his skilful management the few but fertile fields he had inherited blossomed and broadened until at last they adjoined the lands of the rich Van Puffenblow. As an importer of new varieties he was without a competitor and with his business ability and rapidly increasing wealth it is not surprising that many a goede vrouw of Haarlem heaved a covetously disappointed sigh as the charms of her buxom daughters failed to attract him. For Wouter was steadfast, and in vain were flaxen strands plaited, voluminous skirts carefully adjusted and neatly turned ankles coyly displayed; his small gray eyes never wandered from the pretty Gretel and, despite their efforts, aspiring damsels reaped naught but indifference. Now the weeks of courtship were ended and to Mynheer Van Puffenblow had been tendered the request for his daughter's plump hand.

Had Gretel been thoroughly a Van Puffenblow the affair would have been quickly and happily concluded. But alas, the breath from an alien clime was now ruffling Cupid's wings and the final decision was still pending. Of course a woman was at the bottom of it, and this probability had caused Gretel's papa some bitter reflection, as he recalled with disgust that from the maternal side a few drops of wild Irish blood had been infused into his usually submissive daughter's veins. This inherited taint was doubtless responsible for her indifference towards the desirable Wouter. The same mischievous spirit of her Irish ancestress had beguiled the hitherto obedient maiden into wild dreams of a certain Het Wee-Girth. By the aid of true Hibernian artifices this folly had been concealed from her phlegmatic sire who, while too indulgent to bestow his daughter's unwilling hand, would never countenance an alliance with such a little toy soldier as Lieutenant Wee-Girth appeared in his eyes.

So matters stood this summer's eve, and while Gretel looked longingly in her street mirror, hoping to behold the gay soldier

come tripping along, her parent mused upon the unkind fate that supplied his lamented wife with an Irish grandmother.

Presently the face of the mirror was darkened and the needles clicked with renewed energy, for, instead of the dashing lieutenant strutting up the walk the burly form of Van Zandt was stopping at the entrance.

"Oh, dear, oh, dear, has he come for his answer?" thought the girl, and "Welcome, Mynheer," exclaimed the father as the door opened to admit the young tulip grower. With a short-winded snort which closely resembled his host's breathing habits, Van Zandt fairly tumbled into the nearest seat, scarcely glancing in Gretel's direction.

"What is it, my boy? What has overtaken you? Have you seen the devil?" anxiously queried the good old patroon.

"Ah, no devil. Rather has an angel descended upon me," chokingly responded the breathless Wouter. "Listen, Mynheer. You have known of my new cargo of bulbs from the Orient?"

"Yes, boy, yes." By this time Mynheer Van Puffenblow had resumed his pipe, which he had unconsciously removed from his lips at the agitated entrance of his guest. "A fine hyacinth among them, perhaps. Or is it a new species of tulip?"

"Neither, Mynheer. By mine head I tell you it is neither. But see for yourself, Mynheer. Hear first, though, the words of the ship's master. Where this grows, he says, as far as the eyes have sight is a vast sea of green. And as beautiful is this green as the moss on our own trees and the grass about our houses. Then a little later comes the flower. Small and delicate but wonderful. Most wonderful, he says. And this bulb without a name, without a place, has come to me. For me to name and in my fields to grow. Behold it!"

And diving into an inner pair of breeches he produced, after considerable fumbling, a small, brown object which he waved almost wildly under the nose of the now deeply interested old man.

"Ah, my boy, my boy! You will own all Haarlem now," murmured Van Puffenblow, as he critically scrutinized the new discovery.

"And again behold!" exclaimed the excited Wouter, as, snatch-

ing the bulb from the trembling old hands, he carefully removed its outer husk.

What a transformation. The two ponderous Dutchmen fairly capered for joy. Instead of the dull, dark skin of the familiar specimens of hyacinths, tulips and lilies, a shining silvery coat was displayed.

"Life within death. Ah, ah!" fairly groaned Van Puffenblow in his ecstasy. "And what's this?" he almost shouted, sniffing the air. "It is fragrant; even as a bulb. Ah, delectable aroma! Is it so? Or am I dreaming?" he demanded.

The long pipe dropped to the floor, but even its ominous crash was unnoted, so intense was the moment. As the perfume of the bulb penetrated the nostrils of the elder man, Van Zandt seemed ready to explode with joy.

"You smell it. Yes, even you can smell it." He exclaimed rapturously. "I so hoped, but hardly dared expect it."

"Ha, Wouter! Think what it is if it can reach me!" gurgled the old man, rocking back and forwards in his transports of glee. "For years nothing has been strong enough to touch me. Even the sweetest lily goes unnoticed. But now this perfume is different. And what a perfume! It thrills me. It exhilarates me. 'Tis a tonic. I'm treading the air with a longing for food, and again" here his voice broke, he almost sobbed, "it brings sadness, I could weep. My tears flow without my consciousness. Find it a name, my boy, and launch it on the world. Your fortune's secure. You may yet live close to the palace at the Hague."

"Yes, the name," hesitatingly replied Van Zandt. "I'll call it the Green Gretel."

"Bah, boy. Don't be a gander. The name of a weak woman is no name for such as this. Name it the Wouter if you will. But never call as forceful a plant as this the Green Gretel."

"Well, well," retorted the younger man testily. "The name can wait a day or two while we see what happens."

At this interesting juncture Gretel arose and quietly left the room. She had beheld with absorbing interest the enthusiasm of her parent and lover. At the tender suggestion of the Green Gretel an unaccustomed thrill shook her being and she found herself thinking, "How he must love me. To be willing to give my

poor name to this rare and beautiful plant." She became suddenly conscious of an unwonted appreciation of her rotund adorer. For once her Holland ancestry ruled her and the Hibernian grandmother was ignored. Unbidden, the thought of wealth and position at the Hague possessed her. The mental picture was alluring. To be a great lady in the most beautiful city of Holland was an experience only granted to Fortune's favorites. Despite her infatuation for Het Wee-Girth the recollection of his poverty placed him for an instant among the impossibilities. Her father would never consent, but then Het was so delightfully slim and light-footed. His slender waist was the wonder and admiration of all her girl friends. "Well, well," she sighed, she must dismiss this perplexing question or she would lose all the festivities outside. So, smoothing her carefully oiled tresses, she hastened to join some near-by friends, and together they sought the main streets of Haarlem.

It was the Queen's birthday, and the majority of Haarlem's citizens were taking part in the annual merry-makings. The sidewalks were so overcrowded that groups of pedestrians were compelled to promenade the streets, where they were the victims of numerous bands of maskers who frolicked about the city, singing, dancing, and playing pranks. The gay scene was brightened by light and color. The windows of the well-to-do blazed with a prodigal expenditure of candles, and from every housetop floated the tri-color of the Netherlands. Music was heard on all sides and parties of gay soldiers from the garrison at the Hague romped along the streets, their loyalty finding vent in saluting all unprotected women who came in their way. The many restaurants of the little town were filled with Haarlemites who testified their allegiance to their sovereigns by drinking long and deeply to their happiness. And as the cafés grew busier the merry-makers waxed gayer, so as the night went on a stranger would have been deeply impressed with the good Queen's popularity.

Gretel and her comrades strolled along in the dignified manner befitting the upper classes of the town. Amused as she always was by these hilarious demonstrations, the rampant plebeianism of it all antagonized her patrician sensibilities. Emerging at last into the great square, a crowd of laughing, shouting boys and girls

attracted their attention. "It's something we should see," exclaimed one of her companions, hurrying Gretel towards the centre of the fun. "Oh, a Markenite!" cried another, as they reached the edge of the circle.

An Amazon from the Isle of Marken occupied the open space in the centre of the group. With a proud grin on her stupid face she clumped about in her great wooden shoes, now curtsying to the roaring crowd of spectators, and again executing the few clumsy steps which constituted their island dance. And she was not alone on this impromptu stage. To Gretel's startled, horrified vision a dear, familiar figure was the partner of this peasant woman in her uncouth dance. Lieutenant Wee-Girth, the dapper little dandy, skipped and frisked about the huge Markenite, who, at regular intervals, seized him by his slender waist and whirled him round and round amid shouts of delight from the spectators. Het, with his red, perspiring face, his cap over one ear and sword dangling from his back, presented such a ludicrous appearance that Gretel's friends added their voices to the screams of laughter. But Gretel was silent. Turning quickly away, she begged her companions to take her home, she was too tired to stay away longer. Trembling with mortification and anger she silently retraced her steps. All her rosy dreams of the gallant, polished soldier were dispelled. His beautiful slimness was forgotten and he could only be remembered as the drunken, whirling toy of the disgusting Markenite.

How that night passed with Gretel was never known. Whether her huge feather pillow was drenched with tears from those blue orbs, or quietly pressed in slumber was long a matter of conjecture among the young women of Haarlem. But certain it is that during those nocturnal hours the long deferred decision was made, and before the sun again reached its zenith the heart of Papa Van Puffenblow was gladdened by his child's composed acceptance of the proffered Van Zandt hand and all that was therein.

Nuptial preparations were immediately commenced, but the alliance was horticulturally too important to be greatly hastened. A brilliant advertising scheme occurred to the shrewd Wouter and his prospective father-in-law received it approvingly. So, until the newly acquired bulb could be forced to maturity, the

marriage was postponed. The moon had waned several times when at last the impatient Haarlemites were bidden to the ceremony which was to unite the two finest gardens of the city. As guest after guest entered the portals of the familiar edifice, expressions of admiration and surprise were heard on all sides. The old church was truly transformed. Banked along its walls were rows of boxes containing a new and wonderful blossom which made the musty atmosphere of the church heavy with a powerful and intoxicating aroma. The chancel likewise was filled with the strange bloom and, when the bride entered, her bouquet was seen to be composed of the same rare exotics, while a single flower was pinned to the groom's coat.

Never did the old church of Haarlem witness a more impressive ceremony and a more deeply impressed assemblage. As the noble pair were made one, every man, woman and child in the well-filled church gave way to bursts of tears. And so contagious was their emotion that a perfect torrent of water gushed from the bride's eyes and falling upon her rich attire hopelessly spotted it. Even the radiant Wouter and Mynheer Van Puffenblow melted at the display of so much genuine feeling and added their contribution to the briny brooklets which purled down the broad main aisle. Such a wave of complete and perfect sympathy had never before swept over this community, and for this reason alone these nuptials should have been emblazoned upon the annals of Haarlem.

In one direction at least the event may be said to have been of permanent interest. In honor of the occasion the newly imported plant received its name. Wouter, the fond Benedict, proudly insisted as at their union it was introduced so it should be named. Time and the English tongue have changed the initial, and now we know it as the onion.

Ferguson's Beat.*

BY F. B. BENNETT.

VERY eye in the courtroom was fixed upon Richard Ferguson, reporter for the *Morning Post*. The young journalist stood facing the judge in silence.

It was the second time in a single day that Ferguson had emerged conspicuously from the ranks of his profession. The first occasion was in the morning when he scored a "beat" for his paper on the conviction of an accused millionaire, the events of whose sensational trial had filled columns of the press for many days. The jury had deliberated for three days and two nights and the defendant's fate had not been decided until the early hours of the morning.

The verdict was sealed and the envelope containing it had been left in the court vault. Yet the judge had read in his morning paper, two hours before he appeared in his chambers, the result of the jury's deliberation, the number of ballots taken, and the way the jurors stood at each vote.

So positive had been the announcement in Ferguson's paper that there was no room for belief that he had made a lucky guess. His report was so accurate that it made the reading of the real verdict a farce. The judge looked sternly at the reporter, whom he had known for years.

"Did you write that article?" asked the court.

"I did, your honor."

"I shall demand a full explanation of you, and perhaps of other persons,"—the judge was severe now—"for there is something radically wrong here. I cannot cite you for contempt until I know more of the case. Do you object to replying to my questions?"

"Not in the least," replied Ferguson, in the best of spirits.

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Representatives of the other papers had permitted admiration to take the place of envy and they crowded closer, in anticipation of hearing something interesting. The jury was present, all of the court officers were on hand, and even the night janitor had come, in response to a hasty summons.

"What has occurred this morning," began the judge, slowly, "is an imposition on this tribunal. These twelve gentlemen, pledged to secrecy by their oath, the bailiff in charge of the jury, and the officers who guarded the jury room are under a pall of suspicion.

"In some manner a representative of the press has obtained information from the sacred precincts of the jury room. Some person or persons must be guilty of contempt, if not a more serious charge.

"A point arises here which it has been my fortune never to have encountered personally before. There are limits to the latitude which newspapers can demand. Mr. Ferguson has expressed his willingness to answer truthfully the questions which I shall put to him."

The silence was oppressive, and the crowd surged against the rail, leaning over to catch every word that was uttered.

"Mr. Ferguson," the judge began again, "I know that you did not guess at this verdict?"

"I did not."

"Will you read the marked portion of this newspaper clipping and tell us if these are the words you wrote?"

Ferguson picked up the paper and read: "The first ballot was eight for conviction and four for acquittal; the second ballot was ten for conviction and two for acquittal; the third was the same, and at the fourth Juror Stephenson alone held out against capital punishment. Not until the fifth ballot did the jury agree to send the accused millionaire to the gallows."

"Did you write that?" demanded the judge, leaning far over the bench until he could look squarely into Ferguson's face.

"I did."

"When did you learn of these facts?"

"About 2:25 this morning. I barely had time to reach the office and write it for the last edition of the paper."

"Did any of the jurymen tell you what had transpired in their room?"

"No, your honor."

"Did you contrive to overhear their deliberations and arguments?"

"That would have been impossible through an ante-room and three doors. I did not learn it in that way."

"Did any of the bailiffs give you information?"

"No, sir."

"Did you tamper with the envelope?"

"I did not."

"Who told you, then?"

"No one."

The judge was perplexed. He knew that Ferguson told the truth, and that he was endeavoring to keep the source of his information a secret. Suddenly an inspiration came to him and he smiled because he had not thought of it before.

"Did somebody write you the information?" The court was sure that this would bring the desired result.

"No one wrote it for me," replied Ferguson, "and no human being gave me the information."

A stir went through the courtroom at this announcement and the judge seemed completely baffled.

"Would you so state under oath?"

"Under oath, yes, sir," echoed Ferguson. "No one knew those details at that hour but the jurymen and myself, and I may add that I have not exchanged a word, letter or signal with any of these twelve gentlemen."

The foreman of the jury was called before the bar.

"Mr. Tillotson," said the judge, pointing at Ferguson, "Have you seen this man before?"

"Yes, your honor; during the trial."

"Did you speak or communicate with him since the verdict was agreed upon or sealed?"

"I did not, and I can safely vouch for my colleagues, also."

"Well, then, Mr. Ferguson," said the judge, turning to the reporter, "will you kindly explain how you came into possession of this information?"

"I could refuse to answer on constitutional grounds — on the plea that I might incriminate myself," replied Ferguson. "I will not do that, but I have a favor to ask. May I put to the janitor of the courthouse three questions?"

"Certainly," assented the astonished judge, and he called the janitor before him.

"When did you clean out the jury room?" asked Ferguson.

"As soon as the jury left it — about 2:20 this morning," was the response.

"Where did you empty the waste basket containing the jury's ballot slips?"

"In the alley, sir." The janitor looked apprehensive, as if he feared that he was about to get into trouble.

"Did you see a man out there?"

"I did."

"What did he look like?"

"Very much like you, sir."

"That's all," replied Ferguson triumphantly.

The Little Brown Bird.*

BY JESSIE MORELLE.

"'VE done it, Old Woman." He had come through the open door into the dimly-lighted room and was beside her, one hand firmly on her shoulder before she was aware of his presence.

The tense tone of his voice startled her, and instantly she had raised from bending over the sleeping child on the bed and looked into the man's face. Her coal-black eyes looked straight into his. Slowly she put her hands on his shoulders. "You've killed Joe Benson," she said. "Yes, down by the river," he added. "I've been riding like hell, Old Woman."

Her slight figure swayed, her eyes closed and her hands slipped from his shoulders as she sank back on the bed. "You've got to go. You've got to go and leave us, — me and the kids. Oh, John. My God, I can't, I can't stand it."

He sat down beside her and put his arm around her very awkwardly but very firmly. "Yes, I've got to go. They're after me — the whole Lee gang."

She sprang to her feet. Her eyes were large. The awfulness of the situation was suddenly vivid to her, and the necessity of immediate action.

"Did Jim get the horses in the corral?" he asked, rising from the bed. "I want Brownie, —Hanks is played. Have Jim catch her from the bunch."

Immediately she was in the next room, arousing a boy of thirteen years from his sleep. She shook him roughly and spoke close into his ear. "Git up and ketch Brownie from the corral. Pap wants her. Do you hear?"

The boy raised, half dazed, and she pulled him from the bed.

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"Listen," and she shook him again. "Pap's done killed Joe Benson and they're after him. Do you hear?"

He did hear. He knew what it meant, and in a few seconds the overalls were drawn on and he was out of the house. When the woman stepped back into the room where she had left her husband he was not there, but his cartridge-belt, filled with cartridges, was on an old bureau which stood in one corner of the room.

She heard him in the kitchen, and as she started to go there he was coming back and asked her to blow out the light. His slicker was on one arm and in the hand he held a cotton flour-sack in which were a piece of bacon and some biscuits that he had taken from a shelf of the kitchen cupboard. He was closing the sack by tying a knot in one end.

It was almost dark in the room now. As he finished tying the sack he walked hastily to the bed and kissed the sleeping child, then started for the next room, but stopped and went back and slowly kissed the child again. His free arm was passed over the child, the hand pressed against the bed to support his body as he leaned over. After he had kissed the moist lips his head sank beside hers for an instant — very close and tender was the touch — but he had never felt so far from the child as then, when apparently so near.

As he rose from the bed the sound of the horses rushing about in the corral told plainly that the boy was having trouble catching Brownie. He went out hurriedly, followed by the woman. She stopped on the edge of the porch that ran the length of the front of the house, while he passed on to the corral. The boy had just caught the mare and was leading her out of the corral gate when he got there. Brownie was sleek and fat, and tonight seemed to have an extra amount of the quick, alert life that usually characterized her.

The woman on the porch saw them in the starlight as they came towards the house. She went down the two steps of the porch and by the time they got to her she had the saddle free from Hanks, who stood so wearily, with head almost to the ground. It was but the work of a minute for the man and boy to get the saddle and bridle on Brownie.

"Put Hanks into the corral, Jim, and keep him staked out to

get up the horses and cows on," said the man as he deftly folded the bag of bread and bacon inside the slicker and tied it behind the saddle. The boy stood trembling and big-eyed as he watched, silently, his father tie the last knots in the leather strings drawn so tightly about the slicker.

The woman had brought the belt and cartridges from the bureau and now held them out to the man. He buckled on the belt, took the revolver from the holster on the saddle and put it into the one on the cartridge belt.

"The rifle, Old Woman!"

He was plainly getting anxious. He glanced nervously towards the east. The moon was rising. As he finished adjusting the rifle to the saddle the woman stood beside him. The angles of her slender form were accentuated by the cheap calico gown, and one large, bony hand was pressed against her hip, while the other hung, a tense fist, at her side. The brown, dry skin of her face was strangely illuminated, as by the light from her eyes. Not a word had passed her lips to the man since her moan of anguish and words of despair when he told her what he had done, and she realized that he must immediately go away — an outlaw.

He turned to her as he gathered the bridle and mane of the restive mare in his left hand. "Do the best you can, Old Woman," he said, "I'll try to win out. If I can't come back I'll git you where I am. I'm not to blame. Joe'd been prancin' round like an Apache Injun in his war paint, cussin' and sneerin' out o' them pig eyes o' his'n. I stood it till he came swaggerin' up to me and asked in that low-down way where'd I'd hid out the hide of that — O steer —. I called him a damned liar. He pulled his gun, but — I got there first. Damn him. I wish I hadn't."

As he kissed her, she asked very low, "Whar'l you lay out?" "Near Bear Spring, on top of the range, if I kin make it," he answered, as he grasped the saddle horn with his right hand and swung himself into the seat. "I'll be thar," she said low and tensely as he rode away.

The glow from the rising moon spread farther and farther and brighter in the east. She stood where he had left her — her arms folded tightly across her breast, looking in the direction in which he had disappeared. The boy had come up close to her, and his

arm was around her, and his eyes were fixed on the distance. They could now see nothing, but the chink of the horse's shoes against the loose stones and the rattle of the stones against each other came distinctly to their ears. Presently not the faintest sound could be heard.

They still stood there. They still looked into the silence where the man had vanished. Slowly she raised her face and looked into the clear sky, warm and beautiful from its depth and brilliant stars and flush of light. The tense expression on her face softened a little, but she was suddenly startled by the sound of many horses coming up the road from the River way.

"To bed," she said to the boy and pushed him from her. He darted into the house. She seated herself on the edge of the porch, her feet on the step beneath, and with her hands in her lap she looked, with apparent listlessness, down the road to the east.

It was very bright over there now. There was a line of red fire along the horizon.

She had only comfortably arranged herself when the horsemen came up. They rode straight to the house, — straight to her.

"Evenin'."

"Evenin'," she answered.

"Is John home yet?" asked one of the horsemen.

"No, I'm waitin' fer 'im. Hain't he been with you-all? He said he was going to the round-up down by the River. Hain't there been no round-up? When'd he quit you?" and she rose questioningly and went down the steps of the porch.

"Yes, we've been roundin' up, and John was thar, but he quit and left." The man eyed her critically.

Cordially inviting them to get down and wait for him, she went back up the steps and sat down, assuring them that he would surely be there soon.

"We heerd that John had done passed by at the springs down below," said the oldest of the men, a tall, raw-boned, gray-whiskered Texan.

"Well, he'd orter be here. You'd better git down. He'll sure be here soon."

The old man, sitting in lounging attitude on his horse, looked

at the frank, upturned face of the woman, on which the moonlight played in its soft brightness.

"Ride round the corral, Johnny, and through it. Maybe he's thar," the man said, turning to a young boy near him.

"Oh, if he's thar, he'll come on in, fer he'll see you-all," she said. "What's the matter that you-all act so?" and she suddenly stood by the head of the old man's horse, grasping the bridle near the bit. The old man straightened in his saddle and then stepped to the ground.

"See here," he said, and put his hand on her shoulder. "John shot Joe Benson down by the River, and we're after him, and we're goin' to git him, by God. We're goin' to search the house. Come on, boys. Lem, you stand guard." He took the woman, who looked at him in great surprise, by the arm and led her into the house. From her manner and reluctance it might readily be inferred that John was concealed there somewhere.

It was not much to search — the little cottage — two rooms in the main part, each one opening on the porch by a door and a window, and back of these a shed dining-room and kitchen. There were few furnishings and the heavy boots of the men resounded over the bare floors. The little girl still slept sweetly in the first room. In the second room the boy lay, from appearance, regular breathing and closed eyes — asleep.

The men searched high and low, the woman sitting in a chair in the middle of the first room, where the old man had put her so they could watch her. Finally they gave up the search and started to pass out.

The woman sprang from her chair and seizing the arm of the old man held it with a clinch like a vise. "Now, by God, it's my turn. John never shot Joe Benson. He didn't. You're lyin'. Because you got ketched in that brandin' play and John let out on you, you're layin' to do him up. I know you." Her eyes flashed and glowed with passion as she stood threateningly before him.

He looked down at her from his six feet four inches of height and a flush spread slowly over his face which caught the full light from the moon as he stood in the doorway. "I ain't lyin'. Stay in the house," and he twisted her hand from his arm.

They mounted their horses and rode away in the moonlight —

rode on up the road that followed along the dry bed of the mountain stream that ran by the Raymond ranch where they had just been searching.

The woman watched them disappear and then threw herself across the foot of the bed at the feet of her child. The boy came noiselessly from the other room and lay very close to her, putting his arm over her. They lay there some little time silently. Finally the boy sobbed aloud and clung convulsively to his mother, who turned her eyes that were so wide-open — so big with their love and their striving, toward him, and in a moment the mother and boy were sobbing in each others' arms.

"They won't hang Pap, Mammy?"

"No, Bud."

"You'll save Pap, Mammy?"

"Yes, Bud, and you'll help."

"Oh, Mammy, I'll sure help."

It was moonlight in the mountains. Along the rough, rocky trail through the cañon a woman, dressed in man's apparel, rode horseback. She looked a slender boy.

As the horse, his head free, deftly picked his way over the broken, rugged and, in some places, dangerous trail, the rider crooned with affecting simplicity, "The Little Brown Bird" — a sad little story. It was a story peculiarly associated with her hearth-stone and now its monotonous and sometimes weird intonations carried with pathetic clearness through the dim light of the deep cañon.

The clear moonlight only now and then found its way down into these depths — at some treeless, rocky turn, or where for some unevident reason the river bordered on a small, level, grass-covered, comparatively treeless plot. Every few moments in her song the rider would stop and seemed to listen with painful alertness. It was as if she were listening for some sort of an answer. The horse travelled on, both seeing and smelling his way. Still "The Little Brown Bird" floated among the trees and rocks, broken by intervals of silence, along the way.

She travelled this rugged trail for over an hour. She was approaching Bear Springs now — less than a hundred feet from the top of the range. As the trail led up along the mountain side, be-

cause of the impassable rocky barriers of the cañon below, it followed around an abrupt, perpendicular projection of the mountain. At the most acute angle of the turn she drew rein, and the solitary horse and rider was as a picture framed by the dark, deep solitude of the mountains.

She looked down over the foothills to the valley of the Rio Grande. The brilliant southern moonlight brooded there in mystical silence. The brown foothills lay massive and heavy in the foreground. Beyond, the broad, level plains that cherished with affectionate yielding the moods and wanderings of the river, and farther, against the horizon, lay sleeping, as they had for ages, a soft outline against the sky, the Sacramentos.

There was no sound except the slight creaking of the leather of the saddle as the horse breathed. For more than twenty-four hours her heart had held the most torturing, and, necessarily, concealed anxiety. The majestic silence enveloped her. She sat her horse like a statue, with her hands crossed before her on the saddle, and looked out over the scene. Some subtle strength and courage seemed to come to her. There was no strife — just the silence that spoke for all eternity woven with the joyous, flooding moonlight.

She looked long into the distance. The usually brown face was white now from suffering, and contrasted with the clustering jet-black hair that pushed front from under the gray sombrero set back on her head, and the large eyes, — lands of mingled midnight and noonday.

When, at last, she turned to travel on there were tears rolling down her cheeks. She went on in softer, less tense mood, and when she again took up the chant of "The Little Brown Bird" there was an even warmer melody in the notes, and the pathetic story seemed to find sympathetic friends in the trees and rocks across the way, for they sang the story back to her again in the same soft tones and lingeringly spoken words, and it was like a friendship to the brave but weary heart.

She was soon surrounded by trees and rocks and the mountain sides again, but she had not gone far when, in the midst of her chanting, a faint voice not far above her, called, "Liz." Quickly as a thought, she answered, "Yes."

She slipped from the saddle and, passing the reins over the horse's head, threw them over a near-by bush.

"Liz," the call came again. "I'm here," she answered, and in a moment she had climbed to the rocks above.

"Are you hurt bad?" and she sank beside John as he lay there on a great brown boulder, protected from immediate view from the trail by bushes and sheltered by the tall pines.

Her calloused hands pushed back the hair from his forehead. "Oh, Liz, a drink," he said, faintly.

She soon returned from her horse with a canteen of water. Very deftly she held the canteen to his lips. He drank with the eagerness of a thirsty child. It seemed to revive him from his semi-stupor.

"Where you hurt, John?" and as she asked she noticed his hand pressed to his side, and, putting her hand on his, she felt his shirt wet and saw it was a stain — blood.

He looked at her in a pitiful, appealing way as she bent over him. He tried to move, but was stiff and weak, and ceased his effort, saying, brokenly, "I'm done for, Liz."

"No, John," she said, stoutly, "I've come on Hanks. I'll take you home. You'll be all right."

Slowly and painfully she learned from him that the "gang" had found him in the cabin at Bear Springs about midnight the night before. He had made a dash to escape, but was shot through the leg and side and left for dead. Since then, by the most severe exertion he had pulled and rolled himself to where she had found him — a half-mile from the cabin. He had kept out of the trail for fear of some chance enemy, but had kept near to it. Through pain and loss of blood he could go no farther, but was listening for her. He had felt sure she would come.

She brought the blanket from under the saddle and put it under his head. She had torn a piece from the old waist she wore as a shirt, to bathe his face with, but when she tried to move his hand from his side he seemed in such agony that she stopped.

Gradually she realized that he must be much better than now before she could, in any way, get him home — and would she want to if she could? She cast the sickening thought aside and ministered to him in all possible ways, and most tender was the touch

of those large, bony hands. It was such a love that moved them.

Finally he seemed to sleep, and she lay close beside him, her elbow on the edge of the blanket under his head, and her head supported by her hand and very close to his.

He murmured and muttered occasionally, but at a movement of her hand over his face he would stop as if soothed. So she kept her vigil.

An owl in a near-by tree asked with childish persistence the old question of his race, "Who's there? who's there?" and the cries and calls of various wild animals sounded through the forest.

Finally, he opened his eyes, and smiling up into her face said, "Sing to me, Liz," and again the story of "The Little Brown Bird" was told, but the music was much broken now by the choking in her throat — but she must sing, and now he heard this song of his hearthstone while in the heart of the Black Range of New Mexico ten thousand feet above sea-level — miles away from even a miner's or hunter's cabin — dying. But the smile of God was surely upon him, for beside him was the woman he loved and who loved him. Did the song picture his fireside too vividly to him? Did he feel again the moist warmth of the lips of the little rosy-cheeked girl, asleep in her bed at home, against his own? Some tears gathered in his eyes and rolled off his face and he turned it from her. The full consciousness of his hopeless condition seemed to come to him.

"I'm done for, Liz, it's all on you now, but Jim'll help. He's a good boy, and you'll have Annie, Liz," and after a long pause, "Don't take me down, Liz." He said it very gently. "Bury me here. You can, Liz, and if thay's a God I'll be by you always. You shan't be alone. Kiss me, Liz."

He turned over to free the arm he was lying on, but sank back with a moan and was unconscious.

Her tender solicitude continued until, a little later, the vigil was done. Trained by the experiences of a hard, practical life, she answered to the demands of the moment. When she had satisfied herself that he was dead she rode on up to the cabin and found an old pick with one point broken off, and a short-handled shovel. She returned with them, and there, near where he had died, she dug a shallow grave. She broke some fir branches and